HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, C.J. &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

Writ Petition No.4085 of 1999

PETITIONERS
RESPONDENTS
No. 3, 4 & 9.

1. Rakesh Sharma S/o. late Shri A.K. Sharma, aged about 44 years Incharge Executive Engineer, Rural Engineering Services Division, presently posted at Pendra Division, Dist. – Bilaspur

2. Rajesh Kumar Chouksey S/o late Shri P.L. Chouksey, aged about 42 years, incharge Executive Engineer, Rural Engineering Services Division, presently posted at Seoni Division No.1 District – Seoni

3. G.D. Dwivedi S/o Shri V.N. Dwivedi, aged about 48 years, Incharge Executive Engineer, Rural Engineering Services division, presently posted at Manawar Division, District - Dhar

Versus

RESPONDENTS
APPLICANT

1. Prahlad Singh Tomar S/o Shri Ratan Singh Thakur, aged about 42 years, Incharge Executive Engineer, Rural Engineering Services, Raisen Division, Raisen.

2. State of Madhya Pradesh through: Secretary, Department of Panchayat & Rural Development, Mantralaya, Bhopal

3. V.K. Shrivastava, S.D.O., rural Engineering Services, Betul.

4. J.P. Shrivastava, Assistant Engineer, working in the Office of Chief Engineer, Rural Engineering Services, Vindhyachal Bhavan, Bhopal

5. Virendra Singh Chandel, Incharge Executive Engineer, Rural Engineering Services Division, Chhindwara Div. No.2.

6. Late A.D. Barkaley, Incharge Executive Engineer, Rural Engineering Services, Division, Niwas, Dist. – Mandla (His name is deleted since he expired on 21-9-1997)

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7. K.M. Gupta, Incharge Executive Engineer, Rural Engineering Services, Division Datia.

8. P. Prajapati, S.D.O. Rural Engineering Services Division Narsinghgarh, District – Raigarh (Biaora).

9. Rakesh Sharma, S.D.O., Rural Engineering Services Division, Korba, (Bilaspur).

Present : Shri P.S. Koshy, counsel for the petitioners.

ORAL ORDER
(Passed on 26th March, 2007)

The following oral order of the Court was passed by

H.L. Dattu, C.J.

In this petition filed under Article 226 and 227 of the Constitution of India, the petitioners seek for the following reliefs:

"1. This Hon. Court may be pleased to send for the entire records of the learned Tribunal in O.A. No.390/98 as also the entire records nothings, representation and deliberations of the Department of Panchayat & Rural Development as well as G.A.D. leading to issuance of order dated 20-2-1997, for its kind perusal;

2. This Hon. Court may be pleased to issue a writ in the nature of certiorari quashing the impugned order of the learned Tribunal dated 20-8-1999 (Annexure P/2) and declare the same as void and inoperative;

3. This Hon. Court may be pleased to restrain the respondents No. 1 and 2 in any manner interfering with the seniority of the petitioners, above the said respondent No.1/applicant and to continue the same to be decided in the light of the order of the State Government dated 20-2-1997 (Annex. P/14).

4. Any other relief which this Hon. Court deems fit, may also be granted to the petitioners;

5. Costs of the petition. "

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(2) In view of the reorganization of the State with effect from 01.11.2000, in our view, the relief sought for by the petitioners in this petition would not survive for consideration. Accordingly, the writ petition is disposed of as having become infructuous. However, liberty is reserved to the petitioners to approach this Court, if need arises in future. Ordered accordingly

Sd/-
Chief Justice

Sd/-
Vijay Kumar Shrivastava
Judge